

Plaintiffs' Exhibit MM

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK**

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**SIERRA BOUCHER, LILY ENGBRECHT,
NATASSIA TUHOVAK, HANNAH WHELAN,
and, CASSIDY WOOD,**

PLAINTIFFS,

CASE NO. 1:22-CV-00381-CCR

-against-

TRUSTEES OF CANISIUS COLLEGE,

DEFENDANTS.
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**DECLARATION OF DR. MATTHEW MITCHELL
PURSUANT TO 28 U.S.C. § 1746 UNDER PENALTY OF PERJURY**

1. I am over the age of eighteen, suffer from no legal disabilities, have personal knowledge of the facts set forth below, and am competent to testify.
2. I understand I am making the statements in this Declaration under oath. This Declaration is true and accurate to the best of my knowledge.
3. I am a former employee of Canisius College, where I worked as a professor in the Religious Studies and Theology Department, for thirteen years, beginning in 2008
4. I was tenured and promoted to Associate Professor in 2011.
5. I was promoted to Full Professor in 2020, and was named Outstanding Scholar in the School of Arts and Sciences for that year.
6. During my tenure at Canisius, I served on the Faculty Senate as well as 5 separate College-wide Committees, Subcommittees, and Task Forces.
7. I was also Secretary of the Faculty Senate from 2009-2012.
8. I attended Faculty Senate Meetings from 2009-2014

9. My service on the Canisius Faculty Senate overlapped with the time period when Dr. Michael Noonan served as the Vice Chair, and then Chair, during the 2012-2014 time period.

10. Dr. Noonan's time as Chair of the Faculty Senate stands out in my memory because he ran on a promise to bring a "no confidence" vote against then-Canisius President John Hurley, but then developed a very strong alliance with Hurley, and together they attempted to extinguish faculty discussion and opposition to Hurley's often costly and mis-guided efforts to boot enrollment numbers at Canisius.

11. For example, despite numerous concerns being raised, Hurley championed a pet marketing campaign that ran over budget and resulted in widespread backlash, as documented by the Canisius student newspaper opinion piece on April 13, 2013, entitled "Please Stop Embarrassing Us, Canisius."

12. During the 2012-2013 time period, the Canisius faculty, particularly those like me who served on the Faculty Senate, were concerned about Hurley's failed efforts to boost enrollment, particularly in light of his very limited experience in college administration, the fact he had no PhD degree, had never been an educator of any kind, and was defensive about his lack of experience and knowledge.

13. The College was also at this time undertaking steps in its MSCHE reaccreditation process.

14. Dr. Noonan's complete reversal, and his new-found support of President Hurley, was a significant development for Canisius faculty-administration relations.

15. Dr. Noonan chaired the Animal Behavior and Environmental Conservation (ABEC) program, a major that attracted many students to Canisius and was viewed as one of the "flagship" programs of the College.

16. As a result of ABEC's enrollment success, Dr. Noonan enjoyed an esteemed position on the Canisius campus.

17. During a meeting of my Department, a senior faculty member stated that Noonan was "a very powerful figure" on campus.

18. Dr. Noonan used his position as Chair of the Faculty Senate to excuse the Canisius administration's increasing lack of transparency regarding budgeting and faculty employment matters, which diminished the ability of the faculty to engage with President Hurley and the Board of Trustees regarding the College's educational programming and its future.

19. The most upsetting aspect of Dr. Noonan's service as Chair of the Faculty Senate is that he constantly promoted his efforts to help President Hurley more control the faculty as efforts to promote greater shared governance of the College by the faculty and administration.

20. The contentious dynamic between President Hurley and the faculty, his presumption that others at Canisius engage with him with "animosity," has been well-documented, including in the attached opinion piece that was printed in the Canisius student newspaper in on April 25, 2014, entitled "Spare Me The Attitude."

21. I received both written and verbal communications from faculty at this time expressing concern about Dr. Noonan's close relationship with Hurley, and whether "inside deals" were being negotiated.

22. Dr. Noonan was subsequently asked in a Senate Meeting about his relationship with President Hurley, and the seemliness of the Senate Chair meeting privately and off the record with the President so frequently.

23. Even after Dr. Noonan stopped serving on the Faculty Senate, President Hurley and Canisius administrators continued to afford him public accolades and an almost unlimited budget for his research and student trips.

24. In 2012 Dr. Hurley had announced what was supposedly a College-wide policy of budget restrictions and controls on travel funding.

25. Dr. Noonan enjoyed access to funding and other privileges that no other faculty member at Canisius enjoyed that I am aware of, despite the fact that dropping enrollment affected every department at the College.

26. In 2017, with a different Chair, the Senate passed a resolution stating in the “strongest possible terms” its “increasing lack of confidence” in the President and his Senior Leadership Team’s management of the college. The statement specifically pointed to Hurley’s failures in marketing and his having “wasted enormous resources” over several years.

27. Indeed, in 2020, Canisius fired me and several other tenured faculty members, asserting that the COVID-19 pandemic created exigent circumstances that permitted our dismissal without going through the processes required by the Faculty Handbook.

28. To my knowledge, Canisius did not urge Dr. Noonan to retire in 2017 when a number of older faculty members were presented with buy-out packages for budgetary reasons.

29. During my time at Canisius, I also noticed that Dr. Noonan often appeared in photographs on the College’s social media sites and in Canisius alumni publications, and the pictures were always of Dr. Noonan surrounded and embracing a large group of women students.

30. These photographs of Dr. Noonan with his women students always stood out to me as strange in that they depicted interactions between a professor and his students that was very different from the way I and my Department colleagues interacted with our students.

31. As a faculty member at Canisius, I never sought out hugs from my students, and never touched any student unless we were shaking hands.

32. I do believe that President Hurley and others in Canisius' administration knew that Dr. Noonan's conduct with certain women students crossed the line, and I believe they looked the other way because of ABEC's enrollment success and Dr. Noonan's assistance to President Hurley during Noonan's tenure as Faculty Senate Chair.

33. This Declaration is true and accurate to the best of my knowledge.

Dated: October 10, 2024

A handwritten signature in black ink, appearing to read "Dr. M. Mitchell", with a long horizontal flourish extending to the right.

DR. MATTHEW MITCHELL

